

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X (ECF)
BODO PARADY, as Special Administrator of the Estate 07 CIV 3640 (JCF)
of SABINA PARADI and BODO PARADY and MARY
MOORE, individually,

Magistrate Judge Francis
-all purposes-

Plaintiffs,

AFFIDAVIT IN SUPPORT

MICHAEL R. PHILLIPS,
Defendant,

-----X
STATE OF NEW YORK)
ss:
COUNTY OF WESTCHESTER)

MICHAEL V. KAPLEN, being duly sworn, deposes and says:

1) I am a member of the law firm of DE CARO & KAPLEN, LLP, attorneys for plaintiffs in the within action, I submit this affidavit in connection with Plaintiffs Motion for Summary Judgment in order to submit exhibits in support of the motion for consideration of this Court.

2) Annexed hereto are the following exhibits in support of the within Motion:

A. Amended complaint

B. Answer to amended complaint

C. Deposition transcript of defendant MICHAEL PHILLIPS

D. Signed Statement of MICHAEL PHILLIPS to Police Department, City
of New York

E. Photograph marked as exhibit 1, during the deposition of defendant
PHILLIPS.

F. Photograph marked as exhibit 6, during the deposition of defendant
PHILLIPS.

G. Photograph marked as exhibit 3, during the deposition of defendant PHILLIPS.

H. Deposition of non party witness, MATTHEW BLANK.

I. Deposition of non party witness, MARIA EBERLINE.

J. Deposition on non party witness, SHARLENE AQUILER.

Dated: Pleasantville, New York
January 17, 2008

DE CARO & KAPLEN, LLP

By: S/ Michael V. Kaplen

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